

REMARKS

The Examiner's Office Action of December 13, 2004, has been carefully reviewed. Although the application stands finally rejected, the present Amendment B is presented in an effort to bring the case into a condition for allowance. If the Examiner is of the opinion that it would be beneficial to speak with the undersigned counsel, the Examiner is invited to call the number provided below.

The Examiner has continued the rejection claims 1-4 and 6 under 35 U.S.C. 112, 1st paragraph, "as containing subject matter which was not described in the specification." Specifically, the Examiner asserts that Applicant's replacement of "valuable" with "select" did not overcome the Examiner's previous rejection under 35 U.S.C. 112 1st paragraph. In an effort to further clarify this limitation, the Applicant has again amended the relevant claims to indicate that during this stage of the process, "select" materials are extracted from the solid waste stream on the basis of their economic value. These valuable materials are then separately processed in order to realize their inherent value. This pre-treatment step is described in the specification at page 10, beginning on line 15. Aluminum is described as a material valuable enough to be selected for extraction. All pending claims describing this pre-treatment step have been amended accordingly. Thus, this basis of rejection is deemed overcome.

Next, the Examiner requested that the Applicant point out where the terms “organic and non-organic” are described in the specification. In response, the Applicant refers the Examiner to the specification on page 8, line 15-21 and page 9, line 1-8 for examples of organic and inorganic materials. Furthermore, Applicant notes that the term “organic” is defined in Webster’s II New Riverside University Dictionary (1984) as “Of, relating to, or derived from living organisms.” Thus, the terms “organic” and “non-organic” find support in the specification and would also be readily understood by artisans of ordinary skill.

Applicant has amended claim 4 to specify that the bioconversion of all waste streams can be completed within a 24-hour period. This amendment was made to bring claim 4 into conformity with the description at page 14 of the specification. Finally, the Examiner rejected claims 4, 6-7 under 35 U.S.C. 103 (a) as being unpatentable over Fisk (U.S. Patent 3,847,803) in view of Schmidt (U.S. Patent 6,197,081) and JP 54067073 and BE 879840. This basis of rejection is not addressed by the Applicant insomuch as all these claims have been removed from consideration. Namely, claim 4 has been amended to include the subject matter of claim 5 and claims 6 and 7 have been canceled in their entirety.

In sum, Applicant has amended all rejected claims and pointed out the support in the specification for such amendments in an effort to overcome the Examiner's rejections under 35 U.S.C. 112, 1st paragraph. Any claims rejected under 35 U.S.C. § 103 have been withdrawn. In light of the claim amendments made hereinabove, favorable consideration and a Notice of Allowance are respectfully requested.

Respectfully submitted,



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via express mail, postage paid, to the U.S. Patent and Trademark Office, Customer Service Window, Randolph Building, 401 Dulany Street, Mail Stop AF, Alexandria, VA 22314 on this the 14 day of February, 2005.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-1667.


Michael J. Colitz, III

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